

S.102 : An act relating to the regulation of agricultural inputs for farming

Steven LaRosa, 2012 Main Street, Montpelier, Vermont

I am providing this summary to complete my testimony and indicate areas of the bill which cause me the most concern. My experience may not be typical for food waste handlers throughout the state, but I believe it clearly shows how using the “Composting = Farming” designation can result in significant adverse impacts without regulatory recourse.

My family and I have lived adjacent to the Vermont Compost Company facility since 1999. During the ensuing 21 years we have seen the facility grow from a small scale (dozens) chicken, vegetable, and composting operation to its current nearly dozen building, 10 acre, 700 chicken composting operation. Throughout this time our daily lives have been negatively impacted by the VCC operations. Continual and increasing impacts from odors, vectors (crows, seagulls, rats, skunks) and development along our property line have occurred as VCC has grown. We have sought relief through many regulatory avenues with mixed success. The complicating factor that always seems to keep regulators from being able to assist us is the fact that the vast majority of VCC is considered “farming”. This designation is given because they have some chickens. This allows them to take in up to 2,000 cubic yards of food waste a year. This equates to approximately 4,000 tons, or **8 MILLION pounds of food waste a year**. This is not an inconsequential amount of waste. Active landfills accepting organics spend the bulk of their management efforts on the impacts of food waste every day. These efforts include odor reduction, vector management, runoff/infiltration water treatment and eventually landfill gas handling. All of these issues are still present at a composting operation, except for landfill gas.

Due to their “farming” status VCC has been allowed to do the following, and more:

1. Only a very small portion of the processing area at the site is covered by Act 250. We had to fight for several years to get Act 250 to require a permit. VCC initiated the regulatory policy discussion that Compost = Agricultural Product at that time. Both the ANR and AAFM indicated that compost was not an agricultural product at the time. But the presence of chickens made the operation farming. The area denuded of vegetation and covered with compost/fill is now covers nearly 80% of the VCC parcel. The attached images from GoogleEarth show the massive expansion of composting (determined to be “farming”). Please note more expansion has occurred since the most recent image available in 2018.
2. Build roads, buildings and site improvements without local permits or proper design. This has led to dozens of buildings, truck bodies, and sheds being built. Also, thousands of yards of “compost”, pallets and tree/woody debris to making huge embankments and plateaus for materials storage. Most of the fill and road building has occurred in the “farming” area. The picture below is of a 35 foot embankment, 10 feet from Main Street.

Despite this structure being in the Act 250 area we cannot get any enforcement actions to occur.



3. Food waste is dropped on our fields and lawn by hundreds of crows and seagulls throughout the year. Bones, gristle, seafood shells, and molding bread are found all over our property. More than 10 years ago the City health officer issued an order to VCC that they use methods to stop wild bird access to the food waste. However, it has not been enforced as there has been no follow up due to lack of staff capabilities. There is no clear requirements in the accepted composting practices for the VTDEC or AAFM to enforce either.
4. When the winds are calm or from the south we close our windows as the odor of rotting food, and the fly population are too great to withstand.
5. Stormwater control and permitting is not necessary, even though much of the impacted area of the site is on steep slopes and/or fill.
6. No changes to operations at VCC have occurred without us having to bring in regulators and force enforcement of the rules. VCC fights every effort for regulation. Stream alterations, Act 250 development, and local building permit had to be issued “after the fact” because VCC performed work without permits. ANR and AAFM requests/enforcement (including those last year which resulted in the creation of the current legislation) have all been met with resistance and required multiple visits and efforts.....but enforcement cannot be brought to bear....

I have significant concerns that even more questionable activities will be performed at this and similar facilities if the current S.102 bill is passed. I hope that you can seriously consider the following:

1. Compost is not an agricultural product. Particularly at VCC where >95% of the input materials are shipped in (food waste, manure, tree limbs and woody debris, limestone, moss, etc). This is a manufacturing process using raw materials from multiplesuppliers.
2. Food waste handling and treatment is complex and requires regulatory oversight with enforcement abilities. They are solid wastes, which are the purview of the ANR. The AAFM is not equipped to perform the required oversight. Each facility can take in up to **8 million pounds** of food waste a year. This is a massive volume of solid waste requiring treatment and handling.
3. Chickens do not reduce food waste volume significantly. VCC has stated in interviews that the chickens eat only a portion of the actual food, and that the grubs, larvae, and other organisms associated with food rotting provide nutrients. Bones, shells, gristle and other inedible material is not eaten by the chickens. At an average of ½ a pound of food

foraged per day (which is twice the amount of recommended feed) it would take nearly 90,000 chickens to dispose of 8 million pounds of food waste per year.

4. The following language is a major concern.

(H) the importation of 2,000 cubic yards per year or less of food residuals or food processing residuals onto a farm for the production of compost, provided that:

(i) the compost is principally used on the farm where it is produced; or

(ii) the compost is produced on a small farm that raises or manages poultry

What is the definition of “use on the farm”? VCC has used thousands of yards of compost as fill....not soil amendment to increase crop yield and help soil health.

There should be some minimum number of chickens per pound of food waste accepted in order to qualify as a “small farm that manages chickens”. The current language would allow as few as **25 chickens for 8 million pounds of food waste** to be exempt from any regulation.

5. “Small Farms” as defined by the AAFM do not need to meet acceptable composting or agricultural practices. They are encouraged to, but they do not have to actually meet them. The AAFM has no enforcement capabilities for small farms. When enforcement is considered by AAFM, they use the ANR enforcement officers. Therefore, ANR would still be involved in food waste composting, despite this bill.
6. None of the food waste receiving facilities I am familiar with have a means of measuring the volume or weight of food waste received. In fact, the Central Vermont Solid Waste District and ANR doesn’t know the volume of food waste VCC receives, as no reporting requirements exist. Unfortunately, history has proven that voluntary compliance does not happen here.
7. Control of odors, vectors and runoff must be better defined and enforced than the vague language in the AAFM and/or ANR attempts at developing Acceptable Composting Practices or Required Agricultural Practices. Neither of these attempts at setting standard procedures provides a defined level of unacceptable odors, food waste transfer onto our property, bird control or other mechanisms for handling. As no measurement or enforcement for these items exists, we have to deal with all of them impacting our life daily.

In summary, our experience has clearly shown that food waste handling presents real and significant issues on neighbors and the existing regulatory methods are not working to resolve the issues. Bringing composting and food waste “feeding” on small farms into the “farming” definition and AAFM jurisdiction will actually make these issues worse and provide less ability to enforce proper practices are followed. In addition, ALL operations at a facility will be deemed outside Act 250 allowing unchecked development

and the inability for local control. Please do not advance S.102 as written, as the adverse impacts will be substantial for us, and potential others across the state.

Composting of materials not derived on the farm performing the work is not "Farming"it is commercial processing and should be regulated as such.

Processing and handling of up to food wastes is rife with difficulties and potential for impacts to the environmental and neighbors. Monitoring and enforcement of regulatory requirements are essential to ensure impacts are minimized.

Thank you very much for listening to me and my families concerns. I am available to consult with the committee and/or counsel at any time.

A handwritten signature in black ink, appearing to read 'S. LaRosa', with a long horizontal flourish extending to the right.

Steven LaRosa
2012 Main Street
Montpelier, Vermont

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-  Compost Co



2012 Main St



Google Earth

Image USDA Farm Service Agency



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Image USDA Farm Service Agency



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